

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK DEKHAIRA MOORE, #650315,

Petitioner,

v.

CASE NO. 2:12-CV-11201
HONORABLE VICTORIA A. ROBERTS

ROBERT NAPEL,

Respondent.

/

**ORDER GRANTING PETITIONER'S MOTION FOR NON-PREJUDICIAL
DISMISSAL, DISMISSING WITHOUT PREJUDICE THE PETITION FOR A WRIT
OF HABEAS CORPUS, AND DENYING A CERTIFICATE OF APPEALABILITY**

This matter is before the Court on Petitioner Mark Dekhaira Moore's motion to voluntarily dismiss his pending petition for a writ of habeas corpus so that he may return to the state courts to pursue further challenges to his state criminal proceedings. The Court previously denied Petitioner's motion to stay the proceedings and hold this case in abeyance. Given that Petitioner seeks to exhaust additional issues in the state courts and given that he has sufficient time to do so within the one-year statute of limitations applicable to federal habeas actions, dismissal of the present petition is appropriate.

Accordingly,

IT IS ORDERED that Petitioner's motion for non-prejudicial dismissal is **GRANTED** and the petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**. Additionally, a certificate of appealability is **DENIED** as reasonable jurists could not debate the correctness of the Court's procedural ruling. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). This case is closed. Should Petitioner wish to seek federal habeas relief

following the exhaustion of state court remedies, he must file a new habeas petition in federal court within the time remaining on the one-year period of limitations.

IT IS SO ORDERED.

s/Victoria A. Robert
VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

Dated: July 18, 2013